
By: **Senators Kelley, Britt, Gladden, Grosfeld, Lawlah, and McFadden**
Introduced and read first time: January 23, 2004
Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Labor and Employment - Work Hours**

3 FOR the purpose of prohibiting an employer from requiring or allowing an employee
4 to work for more than 5 consecutive hours without a nonworking period of at
5 least one-half hour under certain circumstances; providing that certain
6 provisions of this Act are not applicable to certain employees under certain
7 circumstances; providing that certain provisions of this Act may not be applied
8 to abridge certain collective bargaining rights; providing a penalty for a
9 violation of this Act; providing for the application of this Act; and generally
10 relating to work hours.

11 BY adding to
12 Article - Labor and Employment
13 Section 3-708
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2003 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article - Labor and Employment**

19 3-708.

20 (A) IN THIS SECTION, "EMPLOYER" MEANS:

21 (1) A PERSON ENGAGED IN A BUSINESS, INDUSTRY, PROFESSION,
22 TRADE, OR OTHER ENTERPRISE IN THE STATE;

23 (2) THE STATE;

24 (3) A COUNTY; OR

25 (4) A MUNICIPAL CORPORATION.

26 (B) THIS SECTION DOES NOT APPLY TO:

- 1 (1) AN EMPLOYEE WHO:
- 2 (I) IS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT;
- 3 (II) AS THE PRIMARY DUTY OF THE EMPLOYEE, MANAGES AN
4 ENTERPRISE OR A UNIT OF THE ENTERPRISE THAT CUSTOMARILY IS CONSIDERED A
5 DEPARTMENT OR SUBDIVISION OF THE ENTERPRISE;
- 6 (III) CUSTOMARILY AND REGULARLY SUPERVISES AT LEAST TWO
7 OTHER EMPLOYEES IN THE ENTERPRISE OR UNIT;
- 8 (IV) CUSTOMARILY AND REGULARLY EXERCISES DISCRETIONARY
9 POWERS; AND
- 10 (V) MAY HIRE OR FIRE ANOTHER EMPLOYEE OR MAKES
11 RECOMMENDATIONS THAT AFFECT THE HIRING, ADVANCEMENT, FIRING, OR ANY
12 OTHER CHANGE IN STATUS OF ANOTHER EMPLOYEE; OR
- 13 (2) AN EMPLOYEE WHOSE PRIMARY DUTY IS TO WORK IN A FIELD THAT
14 REQUIRES ADVANCED KNOWLEDGE THAT CUSTOMARILY IS ACQUIRED BY A
15 PROLONGED COURSE OF SPECIALIZED INSTRUCTION AND STUDY.
- 16 (C) THIS SECTION MAY NOT BE APPLIED TO ABRIDGE ANY RIGHT THAT A
17 COLLECTIVE BARGAINING AGREEMENT GRANTS TO AN EMPLOYEE.
- 18 (D) AN EMPLOYER MAY NOT REQUIRE OR ALLOW AN EMPLOYEE TO WORK FOR
19 MORE THAN 5 CONSECUTIVE HOURS WITHOUT A NONWORKING PERIOD OF AT LEAST
20 ONE-HALF HOUR WITHIN A CALENDAR DAY.
- 21 (E) AN EMPLOYER WHO VIOLATES THIS SECTION IS GUILTY OF A
22 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$100.
- 23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2004.